



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	121A	Manual Of Requirements For Adoption Agencies	11/3/2008
Subchapter:	1	General Provisions	
Section	6	Definitions (N.J.A.C. 10:121A-1.6)	

§10:121A-1.6 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adoptee" means a person who has been placed in an adoptive home and whose adoption has been legally finalized.

"Adoption agency" or "agency" means a Department-certified public or private non-profit corporation organized for all or part of its purpose to provide adoption services to children, adoptees, adoption applicants and birth and/or adoptive parents. Adoption services may include: pre-placement, home study, placement, post-placement or post-adoption services or other related activities, including those requested by courts and other adoption agencies and organizations, whether or not the agencies and organizations are certified in New Jersey.

"Adoption applicant" means a prospective adoptive parent who has applied to adopt a child but who has not yet received a child for adoption placement.

"Adoption Complaint Investigation" means an investigation ordered by the court to determine the circumstances of a non-agency placement and to assess the suitability of the prospective adoptive parents. The investigation is conducted by a court-appointed State-approved adoption agency in response to the filing of an adoption petition on behalf of the prospective adoptive parents. Such investigation includes a home study and post-adoption services unless otherwise specified by the court.

"Adoptive parent" means a person with whom a child has been placed for adoption or who has adopted a child.

"Branch office" means a Department-certified adoption program that is a geographically separate but administratively dependent part of an agency.

"Certificate of approval" or "certificate" means a document issued by the Office of Licensing to an agency indicating that the agency is in substantial or full compliance with all applicable provisions of this chapter, and that there is no

serious or imminent hazard to the health, safety or well-being of the children, birth parents, adoptive parents or adoptive applicants being served by the agency.

"Chapter" means the rules contained in the Manual of Requirements for Adoption Agencies, as specified in N.J.A.C. 10:121A-1.1 through 5.10.

"Child" means any person under 18 years of age.

"Conditional surrender" means a voluntary relinquishment of all parental rights by a birth parent, adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise for purposes of allowing a child to be adopted by a person(s) specified by the surrendering parent.

"Custody" means the general right to exercise continuing control over the person of a child derived from court order or otherwise.

"Denial of a certificate" means the withholding of a certificate of approval for which an agency has applied, based on the agency's failure or inability to comply with requirements of the State Adoption Law and/or of this chapter.

"Department" means the New Jersey Department of Children and Families.

"Division" means the Division of Youth and Family Services of the New Jersey Department of Children and Families.

"Executive director" or "administrator" means the person in a certified agency responsible for the overall administration and direction of the agency and its staff.

"Finalization" means the entry of a legal order of adoption issued by a court of competent jurisdiction, pursuant to N.J.S.A. 9:3-38 et seq.

"Foster care" means the temporary placement in an agency-approved private home of a child who is in the care or custody of an agency.

"Governing board" means the public or private body which has final legal responsibility for or authority over a certified adoption agency.

"Guardianship" means the right to exercise continuing control over the person or property or both of a child, including any specific right of control over an aspect of the child's upbringing derived from court order.

"Home study" means the agency's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the agency's written report and recommendation.

"Intermediary" means any person, firm, partnership, corporation, association or agency, whether located in New Jersey or not, who acts for or between any parent and any prospective adoptive parent or acts on behalf of either in connection with a placement for adoption of the parent's child. An intermediary shall not receive money or other valuable consideration in connection with the placement of a child for adoption, pursuant to the State Adoption Law (N.J.S.A. 9:3-37).

"Manual of Requirements for Adoption Agencies" or "Manual of Requirements" means the rules promulgated in this chapter, which constitute minimum requirements for adoption agencies placing children for adoption in New Jersey.

"Office of Licensing" or "Office" means the Office of Licensing of the New Jersey Department of Children and Families.

"Parent" means an expectant mother or a birth parent or birth parents, including the biological father of a child born out of wedlock who has acknowledged the child or to whom the court has ordered notice to be given, or a parent or parents by adoption.

"Placement services" means any and all services offered by a certified agency to prospective adoptive children and families ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home.

"Post-adoption services" means any and all services offered by or through the auspices of an agency to any party involved in an adoption after finalization of the adoption.

"Post-placement services" means any and all services offered by or through the auspices of an agency to any member of an adoptive family from the placement of the child to finalization of the adoption.

"Pre-placement services" means any and all services offered by or through the auspices of an agency to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement.

"Referring agency" means an agency or organization with whom a New Jersey-certified agency has a written agreement regarding the provision of adoption-related services in New Jersey.

"Revocation of a certificate" means a rescinding of an agency's current certificate to operate because of the agency's failure or refusal to comply with the requirements of the State Adoption Law and/or of this chapter.

"Shall" denotes a requirement of this chapter that an adoption agency must meet to qualify for a certificate.

"Should" denotes a recommendation reflecting goals towards which an adoption agency is encouraged to work.

"Social worker" means a professional staff member of an agency who possesses the required qualifications specified in this chapter and who works directly with children, adoptees, birth and/or adoptive parents and other relevant individuals.

"Social work supervisor" means a staff member of an agency who possesses the qualifications specified in this chapter and who supervises the professional staff who work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals.

"Staff member" means any person employed by or working for or with an agency on a regularly scheduled basis, whether for compensation or not. This shall include full-time, part-time, voluntary, substitute, contract or consulting personnel.

"State Adoption Law" means N.J.S.A. 9:3-37 et seq., the statutes that New Jersey certified adoption agencies must comply with and authorizes this chapter, which provides rules to ensure the protection of children, legal rights of children and birth and adoptive parents who receive adoption services, as well as establishing requirements of agency organization and administration, professional training, experience, practices and requirements relating to the responsibility of adoption agencies providing adoption services in New Jersey.

"Substantial compliance" means compliance by an agency that does not meet all applicable requirements of the law and of this chapter, when there is no serious or imminent hazard to the health, safety or well-being of the children, birth parents,